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10/596,094	05/30/2006	Jacques Le Gars	28944/50039	1813
57726 7590 09/03/2009 MILLER, MATTHIAS & HULL ONE NORTH FRANKLIN STREET SUITE 2350 CHICAGO, IL 60606			EXAMINER LONG, FONYA M	
			ART UNIT 3689	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/596,094	LE GARS ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	FONYA LONG	3689	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20, 22 and 23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20, 22 and 23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>05/12/2009</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This communication is a Final Office Action rejection on the merits in response to communication received on May 12, 2009. Claims 1-4, 8, 12, 13, 17-19, 22, and 23 have been amended. Claim 21 has been cancelled. Claims 1-20 and 22-23 are currently pending and have been addressed below.

#### ***Response to Amendment***

1. Applicant's amendments to previous Claims 21 and 22 now renumbered as Claims 22 and 23 are sufficient enough to overcome the claim objection set forth in the previous office action.

#### ***Drawings***

2. The subject matter of this application admits of illustration by a drawing to facilitate understanding of the invention. Applicant is required to furnish a drawing under 37 CFR 1.81(c). No new matter may be introduced in the required drawing. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d).

Examiner asserts that the written description refers to Figs. 1-3 via Page 6. However, Applicant has fails to provide any drawings referencing Figs. 1-3.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 13, 15-19, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Squire et al. (5,917,407) in view of Chase et al. (US 2003/0034873).

**As per Claims 1 and 23**, Squire et al. discloses a method and system of automatically renting bicycles (1) (Abstract, discloses an unattended, automated bicycle rental system) by a bicycle rental system comprising interactive terminals (2), at least one rental management server and locking stations (Col. 3, Lines 3-37, via rental stations), said interactive terminals which communicate remotely with at least one rental management server (11) (Col. 3, Lines 3-37, via communicate via a network from a central command location), and each interactive terminal controlling a plurality of locking stations (9) to which the bicycles (1) are locked (Abstract, via bicycles are locked in place on the rack in distinct receiving bays), said method comprising the following steps:

an initial step comprising the following substeps:

one of the interactive terminals reads a payment card (6) (Col. 5, Lines 29-44, via control tower reading a magnetic payment card to charge the card or to verify the validity of the bank card);

said interactive terminal communicates with an electronic money server (10) for generating a debit authorization for debiting a certain maximum value from an account

Art Unit: 3689

associated with the payment card, this authorization being valid for a limited period (Col. 9, Line 55-Col. 10, Line 13, discloses a payment authorization for the debit of a deposit (i.e. certain maximum value) from the account associated with the payment card via the processor dialing out using the modem to connect with a credit card verification center); and

a debit step consisting in communication with the electronic money server (10) for debiting said account associated with the payment card for an amount that is a function of the rental operations effected, inclusively from said initial step, said amount being no more than said maximum value (Col. 9, Line 55-Col. 10, Line 13, via the rental being charged to the payment card).

However, Squire et al. fails to explicitly disclose an authorization identifier with an associated identity code.

Chase et al. discloses a method and system for an automated car sharing system with the concept of allocating an authorization identifier to said authorization ([0034] discloses providing each driver a unique identifier); storing the authorization identifier in the rental management server ([0050] discloses storing the ID associated with a reservation); at least one subsequent rental step taking place during said limited period ([0053], discloses reserving a vehicle for a limited period having a start date and time and an end date and time) and comprising the following substeps: a user who wishes to rent a bicycle indicates at least one identity code associated with said authorization identifier ([0050] discloses presenting the ID associated with an authorized driver); the rental management server (11) checks that the identity code indicated by the

Art Unit: 3689

user corresponds to said authorization identifier stored in said rental management server; and the bicycle rental being authorized or not authorized as a function of said verification ([0049-0050] via a display and keypad being used for further driver verification by requesting a driver-specific code be entered and compared before enabling the ignition).

Therefore, from the teaching of Chase et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the unattended automated bicycle rental system of Squire et al. to include an authorization identifier with an associated identity code as taught by Chase et al. in order to provide secure access to bicycles and prevent the ability of theft.

**As per Claim 2**, Squire et al. discloses the claimed invention as applied to Claim 1, above. However, Squire et al. fails to explicitly disclose communicating an identity code to a user and a user inputting the identity code via an input interface.

Chase et al. discloses a method and system for an automated car sharing system with the concept of the identity code being communicated to a user ([0034] discloses assigning (i.e. communicating) a personal identification number to a driver); and, during each subsequent rental step, the identity code is input by said user on an input interface (3) ([0040] via a user presenting (i.e. inputting) the card comprising an ID to a reader).

Therefore, from the teaching of Chase et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the unattended automated bicycle rental system of Squire et al. to include an identity code to a user and

Art Unit: 3689

a user inputting the identity code as taught by Chase et al. in order to provide secure access to bicycles and prevent the ability of theft.

**As per Claim 3**, Squire et al. discloses the claimed invention as applied to Claim 1, above. However, Squire et al. fails to explicitly disclose an identity code.

Chase et al. discloses a method and system for an automated car sharing system with the concept of the identity code being written on an information medium (8) ([0059] discloses the ID being written on a card), and , during each subsequent rental step, the identity code is read automatically from said information medium (8) ([0040] via placing the card near the reader, if the ID matches the stored ID, then the vehicle-associated access control module unlocks the car door).

Therefore, from the teaching of Chase et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the unattended automated bicycle rental system of Squire et al. to include an identity code as taught by Chase et al. in order to provide secure access to bicycles and prevent the ability of theft.

**As per Claim 13**, Squire et al. discloses when the bicycle is returned to a locking station, said locking station locks again said bicycle (Col. 7, Line 51-Col. 8, Line 31, discloses a bicycle being returned to the rental station where the bicycle is placed on a rental rack and the latch plate is moved into the locking position upon placement).

**As per Claim 15**, Squire et al. discloses the debit step being implemented when the cumulative cost of the rental operations that have taken place during said limited period reaches a certain predetermined amount that is no more than said maximum

Art Unit: 3689

value (Claim 38, discloses debiting the rental charge from a user's bank card based on the duration of time the rental bicycle s removed from the locking bicycle rack).

**As per Claim 16**, Squire et al. discloses after the debit authorization, at least one bicycle that is locked to a locking station is released (Col. 11, Lines 5-34, discloses upon credit card verification the bicycle is released from its locked position), and then, when the bicycle is returned to a locking station, said bicycle is locked to said locking station again (Col. 11, Line 35-Col. 12, Line 13, discloses the customer returning the bicycle wherein the bicycle is placed on the rental rack and is locked).

**As per Claim 17**, Squire et al. discloses each time a rental operation takes place, the rental management server increments the value of a sum owed by the user of the payment card (Col. 11, Line 5-Col. 12, Line 29, discloses each time a user rents a bicycle from the rental station the user is billed for the rental charges incurred during that rental period).

**As per Claim 18**, Squire et al. discloses the bicycle rental system identifies each bicycle at least when said bicycle is taken out and when it is returned, and when it is returned (Col. 11, Lines 16-34, discloses determining if a bicycle bay has a rental bicycle in it by reading a locked signal from the particular locking assemblies. Col. 11, Line 50-Col. 12, Line 13, discloses sending a signal to the computer indicating that some sort of object is present in the receptacle slot and that the latch plate has been moved into a locking position; and the computer looking for a positive signal from the proximity sensor indicating that the object inserted is indeed a rental bicycle belonging to the rental station. The magnet also indicates when the rental bicycle is removed from



Art Unit: 3689

the rental rack and tells the processor how many bicycles remain in the rack), and when a bicycle taken out is not identified as a bicycle returned at the end of a certain predetermined time limit, the rental management server immediately performs the debit step and debits a deposit from said account (Col. 9, Line 55-Col. 10, Line 13, discloses charging a deposit to a user's card).

**As per Claim 19**, Squire et al. discloses the bicycle rental system determines a confidential code, and during each subsequent rental step, said bicycle rental system authorizes the rental only after verifying that the confidential code is known by the user requesting the rental (Claim 16, discloses a customer file number being determined based on the account number of a payment card. Col. 11, Lines 35-49, discloses using the customer file number in order to obtain access to rent a bicycle).

5. Claims 4-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Squire et al. (5,917,407) in view of Chase et al. (US 2003/0034873) and in further view of Laval et al. (6,889,098).

**As per Claim 4**, the Squire et al. and Chase et al. combination discloses the claimed invention as applied to Claim 3, above. However, the combination fails to explicitly disclose a ticket bearing the identity code being issued.

Laval et al. discloses a method and apparatus for managing admission to an attraction with the concept of issuing a ticket bearing said identity code and constituting said information medium being issued (Col. 15, Lines 62-67, discloses a ticket Bearing a code being provided to a user).

Therefore, from the teaching of Laval et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Squire et al. and Chase et al. combination to include a ticket bearing the identity code being issued as taught by Laval et al. in order to aid in providing a secure means to accessing a bicycle for the specified reserved time.

**As per Claim 5**, the Squire et al. and Chase et al. combination discloses the claimed invention as applied to Claim 4, above. However, the combination fails to explicitly disclose the identity code being recorded on a magnetic stripe (8a) carried by said ticket.

Laval et al. discloses a method and apparatus for managing admission to an attraction with the concept of the identity code being recorded on a magnetic stripe (8a) carried by said ticket (Col. 8, Lines 49-63, discloses a card-reader device reading a magnetic stripe on a ticket issued to a customer in order to establish a customer's right to access an attraction).

Therefore, from the teaching of Laval et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Squire et al. and Chase et al. combination to include the identity code being recorded on a magnetic stripe carried by said ticket as taught by Laval et al. in order to aid in providing a secure means to accessing a bicycle for the specified reserved time.

**As per Claim 6**, Squire et al. discloses a debit authorization (Col. 9, Line 55-Col. 10, Line 13, discloses a payment authorization for the debit of a deposit (i.e. certain maximum value) from the account associated with the payment card via the processor

Art Unit: 3689

dialing out using the modem to connect with a credit card verification center). However, the Squire et al. and Chase et al. combination fails to explicitly disclose the code borne by the ticket being written at least in part during the initial step.

Laval et al. discloses a method and apparatus for managing admission to an attraction with the concept of the code borne by the ticket being written at least in part during the initial step (Col. 9, Lines 11-60; Col. 15, Lines 62-67, discloses a ticket comprising a code being provided to a customer in order to gain access to one or more attractions).

Therefore, from the teaching of Laval et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Squire et al. and Chase et al. combination to include the code borne by the ticket being written at least in part during the initial step as taught by Laval et al. in order to aid in providing a secure means to accessing a bicycle for the specified reserved time.

**As per Claim 7**, the Squire et al. and Chase et al. combination discloses the claimed invention as applied to Claim 6, above. However, the combination fails to explicitly disclose the code written on the ticket including the authorization identifier.

Laval et al. discloses a method and apparatus for managing admission to an attraction with the concept of the code written on the ticket including the authorization identifier (Col. 15, Lines 62-Col. 16, Line 43, discloses a ticket comprising a code that is verified based on the stored ticket information via a ticket reader in order to identity the customer as an authorized user).

Therefore, from the teaching of Laval et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Squire et al. and Chase et al. combination to include the code written on the ticket including the authorization identifier as taught by Laval et al. in order to aid in providing a secure means to accessing a bicycle for the specified reserved time.

**As per Claim 8**, Squire et al. discloses the claimed invention as applied to Claim 6, above. However, Squire et al. fails to explicitly disclose a pre-written code on a ticket; and the identifier and code being stored in a memory.

Chase et al. discloses a method and system for an automated car sharing system with the concept of an identifier being stored in a memory ([0050] discloses storing the ID associated with a reservation).

Therefore, from the teaching of Chase et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the unattended automated bicycle rental system of Squire et al. to include an identifier stored in a memory as taught by Chase et al. in order to provide secure access to bicycles and prevent the ability of theft.

Laval et al. discloses a method and apparatus for managing admission to an attraction with the concept of

memorizing a code (Col. 15, Lines 62-67, discloses storing ticket codes of the tickets issued to customers).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the ticket contain a pre-written code. It is well known in the

Art Unit: 3689

art to have tickets comprising a pre-written ticket number (i.e. code) such as raffle tickets in order to aid in maintaining a record of the tickets issued.

Therefore, from the teaching of Laval et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Squire et al. and Chase et al. combination to include a pre-written code on a ticket being stored in a memory as taught by Laval et al. in order to aid in providing a secure means to accessing a bicycle for the specified reserved time.

**As per Claim 9**, the Squire et al. and Chase et al. combination discloses the claimed invention as applied to Claim 8, above. However, the combination fails to explicitly disclose the code written on the ticket comprising a pre-written portion written before the initial step and a portion written during said initial step.

Laval et al. discloses a method and apparatus for managing admission to an attraction with the concept of a portion of the ticket being written during said initial step (Col. 9, Lines 49-60, discloses printing access time information on the ticket when issuing a ticket to a customer).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the ticket contain a pre-written code. It is well known in the art to have tickets comprising a pre-written ticket number (i.e. code) such as raffle tickets in order to aid in maintaining a record of the tickets issued.

Therefore, from the teaching of Laval et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Squire et al. and Chase et al. combination to include the code written on the ticket comprising a pre-

Art Unit: 3689

written portion written before the initial step and a portion written during said initial step as taught by Laval et al. in order to aid in providing a secure means to accessing a bicycle for the specified reserved time.

**As per Claim 10**, Squire et al. discloses a payment card of predetermined format being used (Col. 5, Lines 29-44, discloses used a payment card such as a credit card, debit card, or other similar bank card).

Examiner asserts that the data contained on a ticket is considered non-functional descriptive material as recited. The fact that the tickets contain a predetermined format does not change the function of the claimed invention. Examiner contends that Squire et al., Chase et al., and Laval et al. combination is fully capable of using a predetermined format on the tickets.

**As per Claim 11**, Squire et al. discloses a payment card presenting a magnetic stripe having a predetermined position (Col. 5, Lines 29-44, discloses a payment card such as a credit card and a debit card (i.e. a card with a magnetic strip)).

However, the Squire et al. and Chase et al. combination fails to explicitly disclose a ticket having a magnetic stripe having the same position, and the identity code is written on the magnetic stripe of said ticket.

Laval et al. discloses a method and apparatus for managing admission to an attraction with the concept of a ticket having a magnetic stripe and the identity code being written on the magnetic stripe of said ticket (Col. 8, Lines 49-63, discloses a ticket comprising a magnetic stripe being issued to a customer (Col. 15, Lines 62-67) wherein the ticket comprises a code).

Examiner asserts it would have been an obvious matter of design choice to have a magnetic stripe at a predetermined position, since applicant has not disclosed that a magnetic stripe at a predetermined position solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with a magnetic stripe being positioned at any position.

6. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Squire et al. (5,917,407) in view of Chase et al. (US 2003/0034873) and Tung (US 2002/0009185).

The Squire et al. and Chase et al. combination discloses the claimed invention as applied to Claim 1, above. However, the combination fails to explicitly disclose a code borne by a mobile phone being recorded as the identity code.

Tung discloses a method and device for security control of network distant input using caller ID with the concept of a code borne by a mobile phone is recorded as the identity code, and, during each subsequent rental step, the user calls a predetermined number, the bicycle rental system determines the calling telephone number, and the authorization identifier corresponding to said identity code is thus determined ([0017] discloses calling a number wherein the ID decoder reads the incoming phone number, and once the caller's telephone ID is obtained, it is checked with the authorized one stored in the database).

Therefore, from the teaching of Tung, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Squire et al. and Chase et al. combination to include a code borne by a mobile phone being

Art Unit: 3689

recorded as the identity code as taught by Tung in order to provide a verification mechanism that can verify the true identity of any user.

7. Claims 14, 20, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Squire et al. (5,917,407) in view of Chase et al. (US 2003/0034873) and in further view of Meunier (US 2002/0186144).

**As per Claim 14**, the Squire et al. and Chase et al. combination discloses the claimed invention as applied to Claim 1, above. However, the combination fails to explicitly disclose the debit step being implemented at a time that is predetermined relative to the initial step.

Meunier discloses a system and method for automating a vehicle rental process with the concept of the debit step being implemented at a time that is predetermined relative to the initial step ([0303-0304] discloses verifying a user's credit card upon the expiration of a rental period).

Therefore, from the teaching of Meunier, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Squire et al. and Chase et al. combination to include the debit step being implemented at a time that is predetermined relative to the initial step as taught by Meunier in order to aid in enabling the rental process to take place easily between users and service providers in less time, with less cost and more reliability.

**As per Claim 20**, the Squire et al. and Chase et al. combination discloses the claimed invention as applied to Claim 1, above. However, the combination fails to explicitly disclose the confidential code being chosen by the user during the initial step.



Meunier discloses a system and method for automating a vehicle rental process with the concept of the confidential code being chosen by the user during the initial step ([0170] discloses a secret code being selected by a user).

Therefore, from the teaching of Meunier, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Squire et al. and Chase et al. combination to include the confidential code being chosen by the user during the initial step as taught by Meunier in order to aid in enabling the rental process to take place easily between users and service providers in less time, with less cost and more reliability.

**As per Claim 22**, the Squire et al. and Chase et al. combination discloses the claimed invention as applied to Claim 1, above. However, the combination fails to explicitly disclose an address given by the user is stored in a memory.

Meunier discloses a system and method for automating a vehicle rental process with the concept of memorizing an address given by the user ([0168] discloses a user providing an address that is stored).

Examiner asserts it would have been obvious to one of ordinary skill in the art at the time the invention was made to mail a notice to a customer about a bicycle not being returned. It is well known in the art to mail statements to customers notifying of outstanding debts to a company.

Therefore, from the teaching of Meunier, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Squire et al. and Chase et al. combination to include an address given by the user is stored in a

Art Unit: 3689

memory as taught by Meunier in order to aid in enabling the rental process to take place easily between users and service providers in less time, with less cost and more reliability.

**Examiner Notes:** As per Claims 1-20 and 22, it has been held that to be entitled to weight in method claims, the recited structure limitations therein must affect the method in a manipulative sense, and not to amount to the mere claiming of a use of a particular structure. *Ex parte Pfeiffer*, 1962 C.D. 408 (1961).

### ***Response to Arguments***

8. Applicant's arguments filed May 12, 2009 have been fully considered but they are not persuasive.

With respect to applicant's arguments regarding the objection to the drawings. Examiner asserts that the written description refers to drawings Figs. 1-3 on page 6. However, applicant has failed to provide the referenced drawings. Applicant is required to furnish a drawing under 37 CFR 1.81(c).

With respect to applicant's argument regarding the Squire et al. and Chase et al. combination failing to disclose the initial step being provided to enable multiple subsequent rentals. Examiner asserts it has been held that a recitation with respect to the manner in which a claimed method is intended to be employed does not differentiate the claimed method from a prior art method satisfying the claimed method limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987). Examiner asserts that claim 1 fail to recite

Art Unit: 3689

the limitation of multiple subsequent rentals are performed. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

With respect to applicant's argument regarding the Squire et al. and Chase et al. combination failing to disclose the use of a rental management server and an electronic money server. Examiner asserts it has been held that to be entitled to weight in method claims, the recited structure limitations therein must affect the method in a manipulative sense, and not to amount to the mere claiming of a use of a particular structure. *Ex parte Pfeiffer*, 1962 C.D. 408 (1961). Examiner asserts that use of a rental management server and an electronic money server fails to affect the method steps of claim 1.

With respect to applicant's argument regarding the Squire et al. and Chase et al. combination failing to disclose a debit authorization being issued for debiting a certain maximum value and is valid for a limited period of time to enable multiple subsequent rentals by the user. Examiner respectfully disagrees. Squire et al. discloses a debit authorization being issued via a payment authorization for the debit of a deposit (i.e. a certain maximum value) from the account of the user (Col. 9, Line 55-Col. 10, Line 13). Chase et al. discloses renting a vehicle (i.e. bicycle) for a limited period of time ([0053] discloses reserving a vehicle for a limited period having a start date and time and an end date and time). Examiner asserts it would have been obvious to have Squire et al. include reserving a bicycle for a limited period of time in order to aid in ensuring a bicycle is available at the user's desired time period.

With respect to applicant's argument regarding the Squire et al. and Chase et al. combination failing to disclose an authorization identifier being memorized which is related to the debit authorization wherein this authorization identifier only identified the debit authorization, but not the user. Examiner respectfully disagrees. Examiner asserts that Chase et al. discloses allocating an identifier ([0034] via issuing a unique identifier for allowing use of the rental vehicle). Examiner asserts it is noted that the features upon which applicant relies (i.e., the authorization identifier only identifying the debit authorization, but not the user) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

With respect to applicant's arguments regarding the Squire et al. and Chase et al. combination failing to disclose an authorization identifier being stored in the rental management server. Examiner respectfully disagrees. Examiner asserts that Chase et al. discloses the system storing a unique identifier ([0040]). It has been held that to be entitled to weight in method claims, the recited structure limitations therein must affect the method in a manipulative sense, and not to amount to the mere claiming of a use of a particular structure. *Ex parte Pfeiffer*, 1962 C.D. 408 (1961). Examiner asserts that the fact that the authorization identifier is being stored in a rental management server does not affect the method of storing in a manipulative sense.

With respect to applicant's arguments regarding the Squire et al. and Chase et al. combination failing to disclose an identity code associated with the authorization

Art Unit: 3689

identifier is given by the user and is checked by the rental management server and the rental management server increments a rental account corresponding to said authorization identifier. Examiner respectfully disagrees. Examiner asserts that Chase et al. discloses a user providing a driver-specific code via a display and keypad which is compared to the code stored within the system to enable the ignition ([0049-0050]). Examiner asserts Chase et al. also discloses incrementing a rental account corresponding to said authorization identifier via debiting a credit card account of the user corresponding with ID used to rent a vehicle (Fig. 7; [0061-0062]).

With respect to applicant's arguments regarding the Squire et al. and Chase et al. combination failing to disclose the user's account being debited by the rental management server which communicates with the money server as a function of the rental operation and within the limit of the maximum value which was authorized at the initial step (a). Examiner respectfully disagrees. Examiner asserts Squire et al. discloses the user's account being debited within the limit of the maximum value which was authorized at the initial step (a) via the rental being charged to the payment card (Col. 9, Line 55-Col. 10, Line 13, discloses a payment authorization for the debit of a deposit (i.e. certain maximum value) from the account of the user wherein the user's payment card is debited for the deposit amount).

With respect to applicant's arguments regarding Chase et al. fails to disclose an authorization identifier which is related to a debit authorization. Examiner asserts Squire et al. discloses a debit authorization being issued via a payment authorization for the debit of a deposit (i.e. a certain maximum value) from the account of the user (Col. 9,

Art Unit: 3689

Line 55-Col. 10, Line 13). Chase et al. discloses providing a user with a unique identifier to gain access to the vehicle ([0034]). Examiner asserts it would have been obvious to one of ordinary skill in the art to have a user who has successfully paid the required deposit for the rental of the bicycle (via the debit authorization) to be issued an unique identifier in response to the debit authorization that is used to access the bicycles in order to provide a secure access to bicycles and prevent the ability of theft.

With respect to applicant's arguments regarding Chase et al. failing to disclose a payment card. Examiner asserts the type of card being used does not change the function of the claimed method steps. It has been held that to be entitled to weight in method claims, the recited structure limitations therein must affect the method in a manipulative sense, and not to amount to the mere claiming of a use of a particular structure. *Ex parte Pfeiffer*, 1962 C.D. 408 (1961).

**As per Claims 2-20, 22, and 23**, Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FONYA LONG whose telephone number is (571)270-5096. The examiner can normally be reached on Mon-Thurs. 7:30am-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janice Mooneyham can be reached on (571) 272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3689

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/F. L./

Examiner, Art Unit 3689

/Janice A. Mooneyham/

Supervisory Patent Examiner, Art Unit 3689